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F. # 2017R00634

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

----- X

UNITED STATES OF AMERICA

- against -

CHRISTOPHER MCCOY,

Defendant.

----- X

COMPLAINT AND
AFFIDAVIT IN SUPPORT
OF ARREST WARRANT

(18 U.S.C. § 242)

17 674M

EASTERN DISTRICT OF NEW YORK, SS:

MICHAEL J. WENIGER, being duly sworn, deposes and states that he is a Special Agent with the Federal Bureau of Investigation ("FBI") duly appointed according to law and acting as such.

On or about March 16, 2017, within the Eastern District of New York, the defendant CHRISTOPHER MCCOY, while acting under color of the laws of the United States, did knowingly and willfully deprive Jane Doe, an individual whose identity is known to the FBI, of a right and privilege secured and protected by the Constitution and laws of the United States, to wit: the right to bodily integrity, which includes the right to be free from aggravated sexual abuse by one acting under color of law, by causing Jane Doe to engage in a sexual act, as defined in Title 18, United States Code, Section 2246(2)(B), to wit: contact between the mouth and penis, by using force against Jane Doe, which resulted in bodily injury.

(Title 18, United States Code, Section 242 and 3551 et seq.)

The source of your deponent's information and the grounds for his belief are as follows:¹

1. I am a Special Agent with the FBI and am currently assigned to the Civil Rights and Hate Crimes Squad of the FBI's New York office. The information contained in this affidavit in support of an arrest warrant comes from my first-hand knowledge, my discussions with Jane Doe and other witnesses involved in the investigation, my discussions with other agents and officers, and a review of reports and evidence related to this investigation.

2. In March 2017, the defendant CHRISTOPHER MCCOY was a Suffolk County Police Officer assigned to the 1st Precinct Crime Section Unit.

THE MARCH 16, 2017 ARREST OF JANE DOE²

3. On March 16, 2017, defendant MCCOY and his partner were working in their official capacity when they arrested Jane Doe, as she was the subject of several open warrants in connection with pending vehicle and traffic offenses. During the arrest processing, defendant MCCOY escorted Jane Doe to an isolated room where the two were alone behind a closed door. While in the room, defendant MCCOY pressed himself against her, unzipped his pants, removed his penis and asked her to kiss his penis. Jane Doe refused, at which point defendant MCCOY took her hand and put her hand on his penis. Defendant MCCOY then again urged her to kiss his penis. Jane Doe kissed his penis and then defendant

¹ Because the purpose of this Complaint is to set forth only those facts necessary to establish probable cause to arrest, I have not described all the relevant facts and circumstances of which I am aware.

² My description of the events of March 16, 2017 are a summary of my interviews of Jane Doe, and are not a verbatim recitation of events.

MCCOY held her head down and urged Jane Doe to put his penis in her mouth. Jane Doe attempted to rise back up, but defendant MCCOY held her in position and pushed his penis into her mouth. At that point, someone walked by the door to the room and defendant MCCOY quickly zipped up his pants and took her out of the room.

4. Sometime later that day, Jane Doe was escorted back into the same room by defendant MCCOY and his partner. Then, when defendant MCCOY'S partner exited the room, MCCOY removed his penis, grabbed her by the jaw, pushed her down and said, in sum and substance, "let's go, don't make this hard." Defendant MCCOY then put his penis into Jane Doe's mouth and pushed it in and out of her mouth, eventually ejaculating into her mouth. Some of the ejaculate fell from her mouth onto her shirt.

5. Approximately two weeks prior to this incident, Jane Doe underwent oral surgery to extract several teeth, thus, when the defendant MCCOY grabbed her by the jaw and pushed his penis into her mouth, it caused her pain and discomfort.

6. Once released from custody, Jane Doe immediately reported the incident.

THE TEXT MESSAGE EXCHANGES

7. On March 27, 2017, I had occasion to view Jane Doe's cellphone. I observed the following text message exchange that occurred between March 19, 2017 and March 20, 2017, between a cellphone registered to MCCOY, and Jane Doe's cellphone:

MCCOY: Hey

J.D.: Hi. Who's this?

MCCOY: We met the other day when you got into a little bit of trouble ;)

J.D.: I don't remember giving out my number recently

MCCOY: At the precinct

J.D.: ? Victoria? I don't remember giving you my number. Lol. How are you? MCCOY:
You gave me your number so we can meet up some time

MCCOY: I have to return a favor ;)

J.D.: I didnt give my number to anyone so I need a hint or something lol

MCCOY: *REDACTED*

J.D.: Yes.

MCCOY: I put you [in] handcuffs...remember now?

J.D.: Oh. If I understood that right, I think I know

MCCOY: (Police Officer Emoji) easier now

MCCOY: You don't want to talk anymore

J.D.: Gimme a sec. Im in the office

J.D.: Hey

MCCOY: You're back...figure me out yet


8. Defendant MCCOY's last text message ("You're back...figure me out yet") was sent at 10:35 a.m. on March 20, 2017. Jane Doe did not respond to this text message. The following day, March 21, 2017 at 1:24 p.m., MCCOY sent a text message to Jane Doe stating, "Hi." Again, Jane Doe did not respond to MCCOY. Jane Doe, on her own accord, had no further contact, via text messaging or otherwise, with MCCOY.

9. I also obtained, via subpoena, the cellphone records of defendant MCCOY, which document the above-referenced text exchanges.

10. On April 6, 2017, FBI agents interviewed defendant MCCOY who initially denied any sexual contact with Jane Doe. However, when the agents advised defendant MCCOY that they were present to take a buccal swab from the inside of his cheek to collect a DNA sample pursuant to a search warrant, defendant MCCOY admitted that he engaged in oral sex with Jane Doe.

11. Finally, the shirt Jane Doe was wearing on March 16, 2017 was reviewed by a Forensic Examiner at the FBI Laboratory in Quantico, Virginia. The Forensic Examiner compared a sample taken from the stain on Jane Doe's shirt to the buccal swab sample taken from defendant MCCOY'S cheek on April 6, 2017. The Forensic Examiner concluded that defendant MCCOY was a likely DNA contributor to the stain,³ which stain was consistent with seminal fluid.

WHEREFORE, your deponent respectfully requests that an arrest warrant be issued for the defendant CHRISTOPHER MCCOY, so that he may be dealt with according to law.


MICHAEL J. WENIGER
Special Agent, Federal Bureau of Investigation

Sworn to before me this
26th day of July, 2017

/s/ Anne Y. Shield

THE HONORABLE ANNE Y. SHIELDS
UNITED STATES MAGISTRATE JUDGE
EASTERN DISTRICT OF NEW YORK

³ Defendant McCoy is 9 septillion percent more likely the contributor than not.

TO: Clerk's Office
UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

APPLICATION FOR LEAVE
TO FILE DOCUMENT UNDER SEAL

-v.-

17 674M
Docket Number

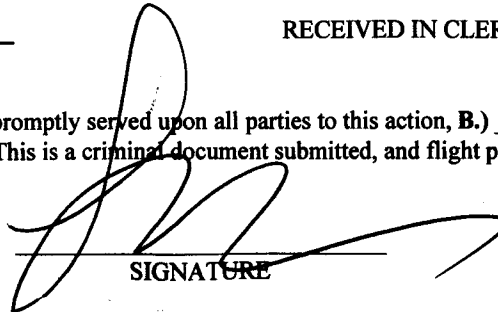
SUBMITTED BY: Plaintiff ___ Defendant ___ DOJ ☒
Name: LARA TREINIS GATZ
Firm Name: US ATTORNEY'S OFFICE
Address: 610 FEDERAL PLAZA
CENTRAL ISLIP, NY 11722
Phone Number: 631-715-7913
E-Mail Address: lara.gatz@usdoj.gov

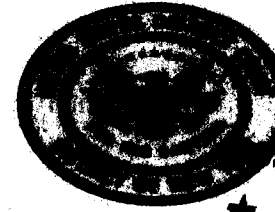
INDICATE UPON THE PUBLIC DOCKET SHEET: YES ___ NO ___
If yes, state description of document to be entered on docket sheet:

MANDATORY CERTIFICATION OF SERVICE:

A.) ___ A copy of this application either has been or will be promptly served upon all parties to this action, B.) ___ Service is excused by 31 U.S.C. 3730(b), or by the following other statute or regulation: ___; or C.) ___ This is a criminal document submitted, and flight public safety, or security are significant concerns. (Check one)

7/26/17
DATE


SIGNATURE



FILED
IN CLERK'S OFFICE
DISTRICT COURT E.D.N.Y.
★ JUL 26 2017 ★

A) If pursuant to a prior Court Order
Docket Number of Case in Which Entered: ___
Judge/Magistrate Judge: ___
Date Entered: ___

B) If a new application, the statute, regulation, or other legal basis that authorizes filing under seal

ORDERED SEALED AND PLACED IN THE CLERK'S OFFICE,
AND MAY NOT BE UNSEALED UNLESS ORDERED BY
THE COURT.

7/26/17
DATED: CENTRAL ISLIP, NEW YORK

/s/ Anne Y. Shields

U.S. DISTRICT JUDGE/U.S. MAGISTRATE JUDGE

RECEIVED IN CLERK'S OFFICE _____
DATE